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CISCO SYSTEMS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

12 CISCO SYSTEMS, INC.,) No. C02-1862 JF
13 Plaintiff,) DECLARATION OF VERNON H.
14 vs.) GRANNEMAN RE SEPTEMBER 29,
15 ROBERT S. GORDON,) 2006 AND JANUARY 5, 2007
16 Defendant.) ORDERS OF DISMISSAL,
) CERTIFICATION OF FAILURE TO
) PAY SETTLEMENT AMOUNT AND
) SECOND REQUEST TO EXTEND
) DATE OF CONDITIONAL
) DISMISSAL – AND ORDER
) THEREON

I, Vernon H. Granneman, declare:

20 1. I am an attorney at law duly licensed to practice before all courts in the State of
21 California, am admitted to the Bar of this Court and am a member of the law firm Pillsbury
22 Winthrop Shaw Pittman LLP, attorneys for Cisco Systems, Inc. ("Cisco") in the above-captioned
23 matter. The following declaration is based on my personal knowledge and, if called as a witness,
24 I could and would testify competently to the matters stated herein.

25 2. On September 29, 2006, the Court entered an Order of Dismissal in the above-
26 captioned matter, conditioned on full satisfaction of a settlement agreed to between and among
27 the interested parties. The Court's September 29 Order of Dismissal was extended to April 5,
28 2007 by further order of this Court filed on January 5, 2007 based on Cisco's request for an

1 extension amid ongoing efforts among the interested parties to conclude the settlement. (The
2 September 29, 2006 and January 5, 2007, Orders of Conditional Dismissal are hereinafter referred
3 to collectively as the “Order of Dismissal.”) Per the terms of the Order of Dismissal, this
4 declaration constitutes certification on behalf of Cisco that the agreed consideration for said
5 settlement has not been delivered over.

6 3. Although the Order of Dismissal (as extended by the Court) provides that upon the
7 filing of this certification on or before April 5, 2007, the Order of Dismissal “SHALL STAND
8 VACATED and this case shall forthwith be restored to the calendar to be set for trial,” Cisco
9 proposes that the Court extend the Order of Dismissal an additional 30 to 60 days on the same
10 terms and conditions as the original Order. The interested parties have reached agreement in
11 principle as to the disposition of certain funds of Defendant Robert Gordon that will be used, in
12 part, to pay the remaining amounts due Cisco on its settlement with Gordon. A written
13 circulation has been circulated among counsel for the interested parties for review and signature.
14 Accordingly, I expect that the settlement will be concluded within the next 30-60 days and
15 request a further extension of the Order of Dismissal in lieu of restoring the matter to the civil
16 active list.

17 I declare under penalty of perjury that the foregoing is true and correct. Executed on April
18 5, 2007 at Palo Alto, California.

/s/ Vernon H. Granneman

Vernon H. Granneman

22 || The Order of Dismissal is extended to June 8, 2007.

23 || IT IS SO ORDERED.

4/6/07

United States District Judge
Jeremy Fogel